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SIPDIS

STATE FOR G/TIP MARK TAYLOR

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SUBJECT: PUTTING THE NEW TIP LAW TO ITS FIRST TEST

REF: 07 BANGKOK 6093

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CLASSIFIED BY: Alex Barrasso, Chief, Pol/Econ, CG Chiang Mai.
REASON: 1.4 (b), (d)

Summary

1. (C) Criminal proceedings have begun in what Thai NGOs and authorities are highlighting as the first case under the new trafficking in persons (TIP) law passed by the Thai Parliament in December 2007 (Reftel). The two suspects in the case have been charged with selling the sexual services of six girls and face an eight to 18 year prison sentence if convicted. NGOs following the case emphasize three positive signs regarding the new law: excellent cooperation between them and Thai authorities on all levels; the fact that the victims remain under Thai Government protection; and that the victims are not facing imminent deportation. End Summary.

What Happened?

2. (C) In an August 20 meeting, Duean Wongsas, the Manager of Chiang Mai-based TRAFCORD (the NGO that serves as a coordinating mechanism between NGOs and Thai authorities combating TIP) told us that TRAFCORD and Thai police raided a karaoke bar in Phayao Province (bordering Laos) on July 30 on the suspicion it was also functioning as a brothel. Under-cover police entered the establishment posing as customers seeking to procure sexual services. Once they had negotiated a deal for the services and identified the would-be prostitutes, they arrested the owner and manager.

3. (C) Duean told us that TRAFCORD and the authorities targeted the bar because they had received information that under-aged prostitutes were working there. TRAFCORD, as it usually does, therefore presumed that any under-aged prostitute is potentially a trafficking victim, and coordinated with the relevant authorities to carry out the operation. (Bio Note: Duean Wongsas has been selected to participate in the International Visitor Leadership Program in July 2009.)

What's Different?

4. (C) TRAFCORD had high praise for all its Thai Government partners in the case, from the Ministry of Social Welfare to the local Phayao Police. According to Duean, the small size of Phayao Province makes it difficult to keep planned raids under

wraps, but the raid took everyone at the karaoke bar by complete surprise. She believes the Provincial Police Chief of Phayao and the Regional Police had a key role to play in ensuring the secrecy of the operation. Duean has been encouraged by the efficiency and professionalism observed so far on the case, and believes at least some of it is due to the Memorandum of Understanding signed last December between NGOs that combat TIP and the governments of the 17 northern Thai provinces.

15. (C) According to TRAFCORD, of the six potential victims discovered in the raid, five are under the age of 18; the youngest is 14. They are all currently at a Thai Government shelter in Phitsanulok Province, and would have benefited from Thai Government protection under the old TIP law as well. However, under the old law, they could be charged with prostitution and immigration violations, and eventually be deported back to their country of origin (Burma in this case). Under the new law, the victims cannot be charged with such offenses, and they have the right to seek compensation from the brothel manager and owner, with the Thai Public Prosecutor (District Attorney equivalent) acting on their behalf at the state's expense. The new law also gives them the option to stay and work legally in Thailand if they so choose.

16. (C) As for the owner and manager of the brothel, they have been charged with offering the sexual services of minors for sale. If convicted under the relevant provisions of the Thai criminal code, they face a minimum of eight, and a maximum of 18 years in prison. Under the new TIP law, they could face additional jail time if it can be proven that they trafficked the girls from Burma to Thailand to work as prostitutes. Duean told us TRAFCORD is still trying to determine whether the girls were trafficked or sold by their families into the sex industry.

Comment

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17. (C) The new TIP law provides for tougher sentences for traffickers and grants victims more rights to seek redress than the old one. Though judging its effectiveness based on one case that has just begun to wind its way through the courts is premature, the close cooperation between NGOs, law enforcement, and the Ministry of Social Welfare on one hand, as well as respect for the victims rights on the other, are encouraging signs. We will closely monitor this case as it develops, and track other cases through continued contact with TRAFCORD and relevant central and provincial authorities.

18. (U) This cable was coordinated with Embassy Bangkok.
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